IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

WP(C).No. 12350 of 2007(T)

PETITIONER:

EDWIN, NILAVARETH HOUSE, SOUTH INATHA ROAD, PALARIVATTOM P.O.,KOCHI-25.

BY ADV. SRI.DINESH MATHEW J.MURICKEN
SRI.P.V.BALAKRISHNAN

RESPONDENTS:

1.CORPORATION OF KOCHI, REPRESENTED BY ITS SECRETARY,CORPORATION OF KOCHI,ERNAKULAM.

2.APPEAL COMMITTEE,
CORPORATION OF KOCHI,REPRESENTED BY ITS CHAIRMAN,CORPORATION OF KOCHI,ERNAKULAM.

3.TOWN PLANNING OFFICER,
CORPORATION OF KOCHI,ERNAKULAM.

BY ADV.MR.S.RAMESH BABU, S.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.12350 of 2007

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Dated: 10th April, 2007

JUDGMENT

The petitioner's wife filed Ext.P2 appeal before the Council of the Kochi Corporation against Ext.P1 order of demolition. Along with Ext.P2 appeal, Ext.P3 stay petition was also submitted by the petitioner's wife.

2. Heard Mr.Dinesh Mathew J.Murikan, counsel for the petitioner and Adv.Mr.S.Ramesh Babu, Standing Counsel for the Kochi Corporation who has taken notice on behalf of the respondents.

3. Mr.Murikan submits that Ext.P2 appeal is even now pending before the Corporation. But the appellant, Smt.Sheela Edwin passed away recently and the petitioner and his children who are the legal representatives of the deceased appellant intend to seek their impleadment as additional appellants in Ext.P2. But now that the appellant is no more the Corporation is going ahead with action for implementing Ext.P1 demolition order.

4. Having regard to the grounds raised and the submissions made, this Writ Petition will stand disposed of issuing the following directions:

If Ext.P2 appeal preferred by the petitioner's wife Smt.Sheela Edwin is even now pending before the Corporation, the Corporation

will implead the petitioner and his children as additional appellants in that appeal if an application in that regard is filed by the petitioner and his children within ten days of their receiving a copy of this judgment. After impleading the petitioner and his children, the appeal will be taken up and a decision on the same will be taken after hearing the petitioner or his representative. Till such time a decision is taken on the appeal, Ext.P1 demolition order will not be implemented. If a decision has already been taken by the Corporation on Ext.P2 appeal, the Corporation will communicate that decision to the petitioner immediately and will not implement Ext.P1 before the expiry of seven days from the day the decision is communicated to the petitioner.

srd **PIUS C.KURIAKOSE, JUDGE**